



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

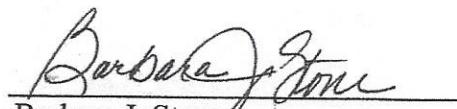
OF BOARD OF APPEALS

RE: Case No. V-170-19 Barbara Brewer

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: February 19, 2020.

CERTIFICATE OF SERVICE

This is to certify that on September 14, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
DPIE/Building Code Official, Permitting

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Barbara Brewer

Appeal No.: V-170-19

Subject Property: P/O of Lots 1 & 2, Block E, Wine & Johnson's 2nd Addition to Hyattsville, being 5225
42nd Place, Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witness: Karl Granzo, property owner of adjoining lot

Heard and Decided: February 19, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5000 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 50 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (lot size, lot coverage, Lot Width-Building, and front yard) and obtain a building permit for a proposed construction of a driveway. Variances of 567 square feet net lot area, 3.34 feet front building line width, 12 feet front yard depth and 10% net lot coverage are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1930, contains 4,433 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling and detached garage. Exhibits (Exhs.) 3, 4, 8, 9 and 11 (A) thru (F).

2. The property consists of Parts of Lots 1 and 2, fronting on 42nd Avenue and to the right side is a recorded asphalt alley, 15 feet wide, per record plat dated 1892. The property is oblong in shape and very narrow at 46 feet in width. Exhs. 3 and 4.

3. Petitioner Barbara Brewer would like to construct a driveway on the north side of the dwelling. The dwelling was constructed in 1930, but the property does not meet current requirements for further development in R-55 zone. Therefore, variances of 567 feet net lot area, 3.34 feet front building line width and 12 feet front yard depth must be validated. The lot coverage is over by 1% with the existing development and the proposed driveway increases the net lot coverage by 9%. Therefore, a variance of 10% net lot coverage is requested. Exhs. 4 and 5 (A) thru (E).

4. Petitioner stated that the neighborhood has undergone new development next to her and a shopping center is located nearby. She has resided there for 27 years and finds that the street parking

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.